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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

QUANG DUONG TAO,

Defendant.

Case No. 2:18-cr-00390-RFB-PAL
AMENDED
**STIPULATION TO CONTINUE
PRETRIAL MOTION DEADLINES,
CALENDAR CALL AND TRIAL DATES
(Sixth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS TRUTANICH, United States Attorney, and ALLISON REESE, Assistant United States Attorney, counsel for the United States of America, and YI LIN ZHENG, ESQ. counsel for QUANG DUONG TAO that the calendar call currently scheduled for August 4, 2020, at 1:30 p.m., and the trial currently scheduled for August 10, 2020, at 9:00 a.m., be vacated and continued for at least 60 days to a date and time convenient to this Court.

This stipulation is entered into for the following reasons:

1. Counsel for the defendant need additional time to conduct investigation in this case in order to determine whether there are any pre-trial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations. Additional time is

1 also needed to finalize negotiations with the Government and then to discuss with defendants
2 any modification in the offers that have been extended by the Government.

3 2. Defendant Quang Duong Tao is out of custody and do not object to the
4 continuance.

5 3. The additional time requested herein is not sought for purposes of delay, but
6 merely to allow counsel for defendant sufficient time within which to be able to effectively
7 complete investigation of discovery materials provided and to discuss the case with defendant.
8 Communication is not easy as defendant and his family reside out of state. Compounded by the
9 fact that Defendant speaks Cantonese Chinese and Vietnamese as his primary languages. Thus,
10 meetings only happen when client and his family can travel to Las Vegas to meet with counsel.

11 4. The additional time requested by this stipulation is excludable in computing the
12 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
13 U.S.C. §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under
14 Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B(i) and §3161(h)(7)(B(iv).

15 5. This is the sixth request for a continuance filed herein.

16 DATED: July 29, 2020

17 NICHOLAS TRUTANICH
18 United States Attorney

VEGAS GOLDEN LAW
Formerly Momot & Zheng

19 By /s/ Allison Reese
ALLISON REESE
Assistant United States Attorney
20 Counsel for Plaintiff

By /s/ Yi Lin Zheng
YI LIN ZHENG, ESQUIRE
Counsel for Quang Duong Tao

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

QUANG DUONG TAO,

Defendant.

Case No. 2:18-CR-00390-RFB-PAL

AMENDED

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based upon the pending Stipulation of counsel and good cause appearing, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pre-trial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations. Additional time is also needed to finalize negotiations with the Government and then to discuss with defendant any modification in the offers that have been extended by the Government.

2. Defendant Quang Duong Tao is out of custody and do not object to the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively complete investigation of discovery materials provided and to discuss the case with defendant. Communication is not easy as defendant and his family reside out of state. Compounded by the fact that Defendant speaks Cantonese Chinese and Vietnamese as his primary languages. Thus, meetings only happen when client and his family can travel to Las Vegas to meet with counsel.

4. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, U.S.C. §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B(i) and §3161(h)(7)(B)(iv).

For all of the above-stated reasons, the ends of justice would best be served by a continuance.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, U.S.C. § 3161(h)(7); and Title 18, U.S.C. § 3161(h)(7)(A), when considering the factors under Title 18, U.S.C. § 3161(h)(7)(B), § 3161(h)(7)(B)(i) and § 3161(h)(7)(B)(iv).

ORDER

IT IS HEREBY ORDERED that each party shall have 90 days from the date of this Order to file all pretrial motions. Responses to any motions shall be filed within 14 days from the date of service of the motions; and any replies may be filed within 7 days of service of the responses.

IT IS FURTHER ORDERED that the trial briefs, proposed voir dire questions, proposed jury instructions, and a list of exhibits must be submitted to the Court by November 20, 2020.

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1 **IT IS FURTHER ORDERED** that the calendar call currently scheduled for
2 August 4, 2020, be vacated and continued to November 24, 2020, at 1:30 PM
3 and the trial currently scheduled for August 10, 2020, be vacated and continued
4 to November 30, 2020, at 9:00 AM

5 Dated: October 20, 2020.

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HON. RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE